

Members

Rep. Vernon Smith, Chairperson
Rep. Linda Lawson
Rep. Carolene Mays
Rep. John Ulmer
Rep. Ralph Foley
Rep. Andrew Thomas
Sen. David Long, Vice-Chairman
Sen. Richard Bray
Sen. R. Michael Young
Sen. Anita Bowser
Sen. John Broden
Sen. Timothy Lanane



INTERIM STUDY COMMITTEE ON JUVENILE LAW AND CORRECTIONS ISSUES

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Authority: Legislative Council Resolution 03-01

MEETING MINUTES¹

Meeting Date: October 27, 2003
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 5

Members Present: Rep. Vernon Smith, Chairperson; Rep. Linda Lawson; Rep. Ralph Foley; Sen. David Long, Vice-Chairman; Sen. Richard Bray; Sen. R. Michael Young.

Members Absent: Rep. Carolene Mays; Rep. John Ulmer; Rep. Andrew Thomas; Sen. Anita Bowser; Sen. John Broden; Sen. Timothy Lanane.

Rep. Vernon Smith convened the meeting at 11:00 a.m. Rep. Smith told the members that, since no quorum was present, the Committee would not vote on any bill drafts or resolutions today.

Review of Minutes from October 9th Meeting:

The Committee reviewed and adopted the minutes of the previous meeting held October 9th.

Discussion of Medical issues:

Rep. Smith distributed four more letters from offenders about medical treatment that they are receiving. As an example, a letter from the mother of one offender complained

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that a hole in her son's thigh is not being properly treated.

Rep. Foley suggested that the newly appointed ombudsman for the Department of Correction (DOC) could better address the problems described in these letters.

Sen. Long observed that after the meeting at Westville Correctional Facility on September 24th that medical care was not as inadequate as he first thought. He noted that security in the facility and the potential problem of setting precedents for other offenders had to be taken into account when deciding about how an offender's medical condition and pain are treated.

Rep. Smith noted that several offenders complained of pain and discomfort, and there did not appear to be a "bright line" for determining when pain was severe enough to preside over security when granting an offender a specific item (such as shoes) to take care of the pain.

Department of Correction Ombudsman:

The Committee noted that Ms. Kelly Whiteman has been appointed as the Ombudsman for the Department of Correction. Her office will be located in the Department of Administration. Her staff would likely consist of one clerical person and an investigator.

Tobacco Issues:

The Committee members discussed whether they should take any action concerning the current ban on tobacco in correctional facilities. Members noted that two perceived problems with this ban include a potential black market supplied by correctional officers and a potential increase in violence among offenders. They also noted that one positive outcome from this ban is that tobacco is now the drug of choice in prisons, reducing the use of illegal drugs among offenders.

Rep. Smith indicated that he will propose a resolution and a preliminary draft at the final meeting to address any perceived problems caused by the tobacco ban.

Unpaid Balances for Juvenile Corrections:

The Committee members discussed the options for addressing the unpaid balances that counties owe the Department of Correction for juvenile delinquents committed to the Department. The members considered these two issues:

- Whether the state should forgive the unpaid balances that the counties owe.
- How the future costs of juvenile delinquents committed to the Department of Correction facilities should be paid.

Concerning the payment of future costs, Rep. Foley asked the Committee to consider the following arrangement.

- Change the county rate for incarcerated juveniles from 50% of the per diem to \$50 per day per juvenile.
- Cap the charge per juvenile at 365 days. After 365 days, the state would pay

- the entire cost of housing the juvenile.
- Give counties with an outstanding balance a six-month lag to begin paying current outstanding balances.
- Do not allow any monies collected by the Department of Revenue for counties to be held by the state for repayment of the balances owed.

Committee members debated the merits of this proposal. Those supporting the proposal noted that this measure would provide relief to the counties and indicated that the General Assembly creates the laws and therefore should be responsible for these costs. Others noted that at \$50 per day, juvenile courts committing juveniles to DOC would have less incentive to develop new programs at the local level to keep these juveniles in the community since the per diem would be significantly lower than the cost of providing juvenile programs at the local level .

The Committee members also noted that the costs that the state would incur under this proposal could be significant. They asked Mark Goodpaster, Fiscal Analyst to the Committee, to estimate this cost and report the estimate to them at the next meeting.

Final Meeting:

Rep. Smith announced that the final meeting would be held Tuesday, November 18, at 9:30 a.m.